

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

COREY WILBERT, #02243016

§

VS.

§

CIVIL ACTION NO. 2:22cv102

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Corey Wilbert, a prisoner within the Texas Department of Criminal Justice proceeding *pro se*, filed this federal petition for a writ of habeas corpus challenging a Camp County conviction. The petition was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On February 3, 2025, Judge Payne issued a Report, (Dkt. #21), recommending that Petitioner's habeas petition be denied and that the case be dismissed with prejudice. Judge Payne also recommended that Petitioner be denied a certificate of appealability *sua sponte*. Petitioner filed timely objections, (Dkt. #29).

A review of Petitioner's objections demonstrates that he has not identified an error within the Report and Recommendation. Objections that simply rehash or mirror the underlying claims addressed in the Report are not sufficient to entitle the party to *de novo* review. Though Petitioner explains that he opposes the Report and rehashes his underlying claims, he does not identify specific portions of the Report to which he objects. *See, e.g., Gonzales v. Collier*, 2023 WL 5473699, at *1 & n.2 (S.D. Tex. Aug. 24, 2023) (citing *Aldrich v. Bock*, 327, F. Supp. 2d 743, 747 (E.D. Mich. 2004) ("An objection that does nothing more than state a disagreement with a magistrate [judge's] suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context.")). Rather, here, Petitioner's objections

show an attempt to relitigate or rehash his claims. Petitioner has not identified any error in the Magistrate Judge's Report, and his objections must be overruled.

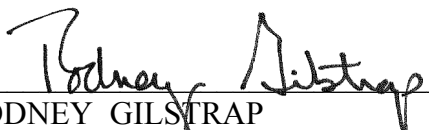
The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct, and Petitioner's objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #21), is **ADOPTED** as the opinion of the Court. Petitioner's objections, (Dkt. #29), are **OVERRULED**. It is also

ORDERED that Petitioner's habeas petition is **DENIED** and the above-styled civil action is **DISMISSED** with prejudice. Petitioner is further **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are **DENIED**.

So **ORDERED** and **SIGNED** this 14th day of May, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE